Remarks

This application has been carefully reviewed in light of the Office Action mailed April 5, 2004. Applicants appreciate the Examiner's consideration of the application. To clarify various inventive aspects recited in certain claims, Applicants have amended Claims 1, 3-6, and 8-10. Additionally, Claim 9 has been amended to correct a typographical error. These amendments do not add any new matter. Certain of these amendments are not considered narrowing or necessary for patentability. Applicants have also added new Claims 11-22, none of which add any new matter. Applicants respectfully request reconsideration and allowance of all pending claims and consideration and allowance of all new claims.

Claim 9 has been Corrected

The Examiner objects to Claim 9 because of a typographical error. Applicants appreciate the Examiner bringing this typographical error to Applicants' attention. In particular, the Examiner requests that the word "if" should be replaced with the word "of." Applicants have corrected this typographical error. This amendment is not considered narrowing or necessary for patentability. For at least these reasons, Applicants respectfully request that the Examiner withdraw the objection to Claim 9.

Claims 1-6, 8, and 10 are Allowable over *Courts*

The Examiner rejects Claims 1-6, 8, and 10 under 35 U.S.C. § 102(a) as being anticipated by U.S. Patent 6,076,108 to Courts, et al. ("*Courts*"). Applicants respectfully disagree.

For example, *Courts* does not disclose, teach, or suggest at least the following limitations as specifically recited in Claim 1, as amended:

- a plurality of web servers capable of hosting web browsing sessions, each session having session data associated therewith, *each web server operable to*:

    store all of the session data for each session hosted by the web server; and

host each session without accessing session data from a remote location unless the web server is hosting the session for another web server that has failed.

Courts discloses a web system engine that includes multiple render engines, each interfaced with a session manager that includes a session cache. (*See* Figures 3A and 3B; Column 7, Lines 19-22) *Courts* also discloses a global session server that includes all session data for the web system. (*See* Abstract; Column 1, Lines 48-50; Column 7 Line 44 through Column 8, Line 31) Each session cache can interface with the global session server. (Column 7, Lines 22-23) When a user engages a session with the web system, requests from the user will be directed to one of the render engines. (Column 7, Lines 44-46) Render engines cause a corresponding session manager to interface with the global session server to obtain the session data for the session. (*See* Column 7, Line 59 through Column 8, Line 8; Column 8, Lines 19-31) Thus, to service a session using the system disclosed in *Courts*, each session manager is required to access the session data stored on the global session server.

In contrast, Claim 1 as amended recites that each web server is operable to "store all of the session data for each session hosted by the web server" and "host each session without accessing session data from a remote location." As discussed in the Specification, such local storage can provide certain efficiencies and fault tolerance. For example, with reference to Figure 3, the Specification states, "In prior art systems, as exemplified by [*Courts*], each web server 12-22 communicates with a separate global session server that contains all session information. When an event occurs which requires access to such session information, such as display of a web page requested by a browser 24, access must be made to the global session server. However, in the preferred technique, each web server 12-22 maintains all of its session service information on the same hardware system that provides the remaining web services." The Specification also states, "Remote session server 30 is provided to keep track of, and maintain a backup for, all of the session information on each of workstations 12-22." (Page 8, Lines 11-13) The Specification also states, "For each session ID 34, all session data 36 which is maintain on behalf of the web server is maintain within session cache 32. Thus,

when a request is made by a particular session, web server 12-22 contains locally all information needed to respond to the request. It is not necessary to obtain session information from any remote location." (Page 8, Lines 16-20)

Applicants respectfully note that "[a] claim is anticipated only if *each and every element* as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987) (emphasis added); M.P.E.P. § 2131. Stated another way, "for anticipation under 35 U.S.C. 102, the reference must teach *every aspect* of the claimed invention either explicitly or impliedly." M.P.E.P. § 706.02 (emphasis added). In addition, *"[t]he elements must be arranged as required by the claim."* M.P.E.P. § 2131 (emphasis added) referencing *In re Bond*, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990); *see also Richardson v. Suzuki Motor Co.*, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989). Furthermore, "[t]he *identical invention* must be shown in as complete detail as is contained in the . . . claim." M.P.E.P. § 2131 citing *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236 (Fed. Cir. 1989) (emphasis added). As Applicants have demonstrated above, *Courts* does not disclose, either expressly or inherently, each and every limitation recited in Claim 1, as amended, as is required under the M.P.E.P. and governing Federal Circuit cases.

Furthermore, Applicants do not necessarily acquiesce to or agree that *Courts* qualifies as prior art in view of Applicants' Provisional Application 60/158,733 filed October 11, 1999, to which the present application claims priority. (*See* Page 2, Lines 1-2) Although Applicants do not rely on this argument at this time, Applicants reserve the right to raise this argument again in a future Response or on Appeal, if appropriate.

For at least these reasons, Applicants respectfully request reconsideration and allowance of independent Claim 1 and its dependent claims. For at least the same reasons, Applicants respectfully request reconsideration and allowance of independent Claim 6 and its dependent claims.

Claims 7 and 9 are Allowable over the Proposed *Courts-Abramson* Combination

The Examiner rejects Claims 7 and 9 under 35 U.S.C. § 103(a) as being unpatentable over *Courts* as applied to Claims 6 and 9 above, and further in view of U.S. Patent 6,539,494 to Abramson, et al. (*"Abramson"*). Claims 7 and 9 depend from independent Claim 6, which Applicants have shown above to be clearly allowable over *Counts*. *Abramson* fails to make up for the deficiencies of *Counts*. Claims 7 and 9 are allowable for at least these reasons. Additionally, dependent Claims 7 and 9 recite further distinctions over the prior art of record. To avoid burdening the record and in view of the clear allowability of independent Claim 6, Applicants do not discuss these distinctions in this Response. However, Applicants reserve the right to discuss these distinctions in a future Response or on Appeal, if appropriate. Furthermore, Applicants do not admit that the proposed combination of *Courts* and *Abramson* is possible or that the Examiner has demonstrated the required teaching, suggestion, or motivation to combine these references.

For at least these reasons, Applicants respectfully request consideration and allowance of dependent Claims 7 and 9.

New Claims 11-22 are Allowable

In addition to being dependent on allowable independent claims, new Claims 11-12 (which depend from independent Claim 1) and new Claims 13-14 (which depend from independent Claim 6) recite further patentable distinctions over the prior art of record. To avoid burdening the record and in view of the clear allowability of independent Claims 1 and 6, Applicants do not discuss these distinctions in this Response. However, Applicants reserve the right to discuss these distinctions in a future Response or on Appeal, if appropriate. Furthermore, new Claims 15-21 are directed to software and are allowable for at least the same reasons discussed above with reference to Claims 1-5 and new Claims 12-14 (which Applicants have shown to be allowable). New Claim 22 is written in means-plus-function form and is allowable for at least the same reasons discussed above with reference to independent Claim 1 (which Applicants have shown to be allowable).

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For at least these reasons, Applicants respectfully request consideration and allowance of new Claims 11-22.
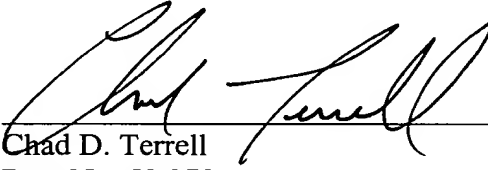
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Conclusion

Applicants have made an earnest attempt to place this case in condition for allowance. For the foregoing reasons, and for other reasons clearly apparent, Applicants respectfully request full allowance of all pending claims.

If the Examiner believes a telephone conference would advance prosecution of this case in any way, the Examiner is invited to contact Chad D. Terrell, Attorney for Applicants, at the Examiner's convenience at (214) 953-6813.

A check in the amount of $122.00 is enclosed to cover the cost of one independent claim over three and two claims over twenty total. Although Applicants believe no other fees are due, the Commissioner is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

BAKER BOTTS L.L.P.
Attorneys for Applicants

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